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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,084	01/08/2001	James H. Waldo	06502.0110-01	6895

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EXAMINER	
AILES, BENJAMIN A	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/755,084	WALDO ET AL.	
	Examiner	Art Unit	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-24 and 26-39* is/are pending in the application.

4a) Of the above claim(s) *12-21,23,24 and 30-39* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-11,22 and 26-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/3/06, 9/7/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to correspondence filed 27 September 2006.

2. Claims 8-24 and 26-39 remain pending. Claims 12-21, 23-24 and 30-39 have been withdrawn from consideration. Claims 8-11, 22 and 26-29 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 8-11, 22 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack (US 6,192,044 B1) in view of Myrick et al. (US 5,978,852), hereinafter referred to as Myrick, and further in view of Lorenz (US 5,892,922).

6. Regarding claim 8, Mack teaches the use of a lookup service in a network system wherein a user queries the lookup service to acquire access to further locations

within the network, the lookup service including the ability to send the requestor necessary information in order to complete the connection, deemed functionally equivalent to applicant's claimed stub or serialized object (see col. 4, lines 30-35, col. 6, lines 35-45 and figures 7 and 8). While Mack does disclose the utilization of a lookup service in a networking system, Mack does not explicitly explain how the lookup service is updated and/or maintained. The updating and/or maintaining of a lookup service is deemed an inherent or implicit feature in the art when utilizing any type of database. As is known, any type of database that is not updated or maintained at all can quickly go out of date and become obsolete, of no use and virtually worthless. The need for updating or maintaining of a database is demonstrated by Myrick (col. 1, lines 48-60) wherein it is mentioned necessary in the art wherein a look-up table should be maintained and updated frequently by utilization of a switch that automatically keeps the look-up table updated. While Myrick does clearly teach the need for a look-up table to be updated, Myrick does not clearly teach the step of "updating the lookup service such that the associated services unaffected by the update continue to be available for use while the update occurs". Taking broadest reasonable interpretation, this claim limitation is understood to allow the lookup service database to be available to users while the lookup service database is being updated. This feature in the art of concurrent database accessing/updating is taught by Lorenz wherein a database memory look-up table can be updated and maintained and a look-up processs can run simultaneously (see col. 2, lines 42-56). One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to combine the features taught and

described by Myrick and Lorenz with the teachings of Mack. One of ordinary skill in the art would have been motivated to combine in order to provide a database lookup service which is updated automatically and frequently (Mack, col. 1, ll. 61-67) and to provide a database lookup service which can be accessed my multiple clients concurrently (see Lorenz, col. 2, ll. 48-56).

7. Independent claims 22 and 26 contain similar subject matter and are rejected under the same rationale as independent claim 8.

8. Regarding claim 9, Mack, Myrick and Lorenz teach the updating step including associating a new service with the lookup service (Myrick, col. 1, ll. 48-60).

9. Regarding claim 10, Mack, Myrick and Lorenz teach the method wherein the updating step includes disassociating one of the associated services from the lookup service so that the one service is no longer available to use (Myrick, col. 1, ll. 48-60).

10. Regarding claim 11, Mack, Myrick and Lorenz teach the method wherein the associated service have attributes and wherein the updating step includes the step of modifying the attributes of one of the associated services (Myrick, col. 1, ll. 48-60).

11. Claim 27 contains similar subject matter and is rejected under the same rationale as claim 9.

12. Claim 28 contains similar subject matter and is rejected under the same rationale as claim 9.

13. Claim 29 contains similar subject matter and is rejected under the same rationale as claim 9.

Response to Arguments

14. Applicant's arguments filed 27 September 2006 have been fully considered but they are not persuasive. Applicant respectfully submits that "the Examiner cannot establish *prima facie* obviousness merely by showing an alleged "functional equivalent" of the claimed service item containing one of a stub or serialized object for use in accessing at least one of the services". Examiner respectfully disagrees with applicant because what is present in the prior art is deemed functionally equivalent to what is claimed and is within the metes and bounds of the claim and therefore one of ordinary skill would have recognized the equivalent functionality. The claim limitation "stub" as read broadly is software or equivalent thereof that aids a user to access a service. What is cited in Mack (col. 6, ll. 37-45) is merely an example of a lookup service (194) "stub" and therefore is within the scope of the claim having the same claimed functionality. No further guidance is given as to how exactly "stub" should be interpreted within the claims or the specification. Applicant is reminded that the claims are read in light of the specification but limitations recited within a filed disclosure are not read into the claims. Therefore, claims 8-11, 22 and 26-29 are not deemed patentable over the prior art of record.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

BEATRIZ PRIETO
PRIMARY EXAMINER